

### REMARKS

Any fees that may be due in connection with filing this paper or with this application during its entire pendency may be charged to Deposit Account No. 02-1818. If a petition for extension of time is required, this paper is to be considered such Petition, and any fee charged to Deposit Account No. 02-1818.

#### Amendment of the Title

The original title of the above identified application as filed is "RATIONAL EVOLUTION OF CYTOKINES FOR HIGHER STABILITY, THE CYTOKINES AND ENCODING NUCLEIC ACID MOLECULES." The Notice of Allowance mailed on July 9, 2009, included an Examiner's amendment that amended the title to recite "ORALLY ADMINISTERED EFFECTIVE INTERFERON ALPHA MUTANTS." The title is amended herein to "PROTEASE RESISTANT MODIFIED INTERFERON ALPHA POLYPEPTIDES."

It respectfully is submitted that the title as amended by the Examiner is not descriptive of the claimed subject matter. The claims are directed to modified interferon-alpha polypeptides that exhibit increased protease resistance. Reference to oral availability functionally identifies a type of protease resistance exhibited by the polypeptides. The polypeptides are not necessarily administered orally nor do the claims, which are directed to products, recite methods of administration. For example, claim 1 recites that the interferon alpha cytokine "exhibits increased resistance to proteolysis, so that it can [not that it is or must] be administered orally." Independent claim 345 is directed to an interferon alpha cytokine and references it by sequence. Thus, the claims are directed to modified interferon alpha cytokines that can be administered by any route, including oral administration. Therefore, the title as amended by the Examiner's Amendment is inapt.

Furthermore, the application refers to the interferon-alpha polypeptides as modified polypeptides. Recitation of the word "mutants" is inapt as the claims recite that the polypeptides are modified polypeptides. Thus, title "PROTEASE RESISTANT MODIFIED INTERFERON ALPHA POLYPEPTIDES," as amended herein, is indicative of the subject matter to which the claims are directed. Accordingly, entry of this amendment respectfully is requested.

### **Change in Entity Status**

A change in Assignee of this application from Nautilus Biotech, S.A. to HANALL PHARMACEUTICAL Co. Ltd. has necessitated a change in entity status. The assignment to HANALL PHARMACEUTICALS has been recorded under separate cover on July 24, 2009, at Reel 023006, Frame 0088.

### **Comments on Examiner's Statement of Reasons for Allowance**

Applicant recognizes that in accord with M.P.E.P. §1302.14, the Examiner's reasons for allowance, as set forth in the *Supplemental Notice of Allowance*, dated July 17, 2009, need not set forth all of the details as to why the claims are allowed. In the above-referenced application, Applicant does not concede that the Examiner's stated reasons for allowance are the only reasons for which the claims are allowable. The claims may be patentable for additional reasons. In addition, Applicant has the following comments.

The Examiner states that the *Information Disclosure Statements* (IDS's) filed June 26, 2008 and April 27, 2009 were not properly classified as IDS's, and, consequently, they were not considered by the Examiner. Applicant notes that the U.S. Patent Office, not the Applicant, improperly classified the IDS's. Thus, the IDSs should have been considered.

The Examiner also states that citations in *Information Disclosure Statements* (IDS's) filed June 26, 2008 and April 27, 2009, were considered, but crossed out because they are applications filed after the filing of the instant application and some of them are not published. To discharge the duty of disclosure, Applicant submitted IDS's on June 26, 2008 and April 27, 2009, citing certain U.S. and International Applications and Office Actions cited in applications with claims to related subject matter. The relevance of such documents does not necessarily derive from the date of filing of an application. "There is no requirement that the information must be prior art references in order to be considered by the examiner." MPEP 609. The purpose of an IDS is to provide information. For example, Office Actions in copending applications, may be of relevance to claims to related subject matter in another application. While not necessarily pertinent in this instance, assessment of issues, such as obviousness-type double patenting or inventorship, does not require that an application has an earlier filing date. Hence, the fact that the cited applications have filing dates subsequent to the instant application is not dispositive. Nevertheless, Applicant agrees with the Office's

Applicant : Rene Gantier *et al.*  
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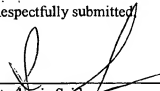
Attorney Docket No. 0120239-00005/ 922

assessment, that none of the Office Actions or cited applications deprive the instant claims of patentability.

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Entry of these remarks and amendment into the file history of the above-captioned application respectfully is requested.

Respectfully submitted,



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Stephanie Seidman  
Reg. No. 33,779

Attorney Docket No. 0119365-00005 / 922

**Address all correspondence to: 77202**  
Stephanie Seidman  
K&L Gates LLP  
3580 Carmel Mountain Road, Suite 200  
San Diego, CA 92130-6766  
Telephone: (858) 509-7400  
Facsimile: (858) 509-7466  
email: stephanie.seidman@klgates.com